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December 16, 2008

***Our File: D773***

\* \* \*

Hon. Tonianne J. Bongiovanni  
United States Magistrate Judge  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street, Room 2020  
Trenton, New Jersey 08608

RECEIVED  
DEC 22 2008  
AT 8:30  
WILLIAM T. WALSH  
CLERK

Re: Michael Burke v. Davey Kent  
Incident Date: 01/28/2008  
Location: Princeton University  
Docket: DNJ-08-CV-1423

Dear Judge Bongiovanni:

We represent the plaintiffs and write to follow up on the settlement conference held on December 2, 2008.

To prepare for the next settlement conference, which has not yet been scheduled, we ask your Honor to direct the defendant to provide to plaintiffs' counsel, within 30 days, copies of the following documents:

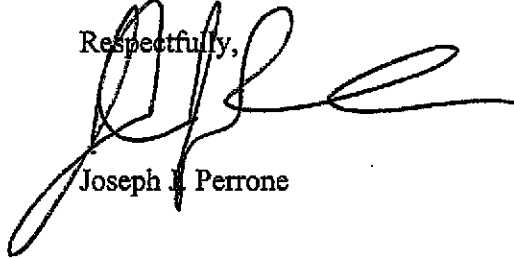
- Davey Kent's corporate tax returns for the years 2005, 2006, and 2007
- Davey Kent's income statement, balance sheet, profit/loss statement and asset accounting for 2005, 2006, 2007, and 2008
- Loan applications made by Davey Kent during the period from November 1, 2006 to January 31, 2009

We, and our clients, strongly believe that the case is worth far in excess of the \$2 million in available insurance. In order for our clients and us to evaluate any settlement proposal that may be made during the next conference, we will need to know what assets and ability to pay Davey Kent has beyond the limits of the insurance coverage.

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We further ask that your Honor keep in place for the next conference, the Court's Order directing an officer or director of defendant Davey Kent to personally attend the next conference, since in violation of that Order no one from Davey Kent attended the December 2<sup>nd</sup>, conference.

Respectfully,



Joseph J. Perrone

/bm

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*The Court having reviewed the foregoing and Defendant's declining an opportunity to respond or object, the Plaintiff's request is granted.*

So Ordered this 22 day  
of December, 2008  
